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UNTIL C.O.

BRUNEI

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PUBLIC SERVICE COMMISSION

C.O. 943/1/21

Previous

Subsequent

H. 531	11/11
Mr. Ashton	21/11
Mr. King (P)	23/11
Sir G. Whitley	25/11
PUT BY 531	10 1/2
H 431	14/2
H 531 PUT BY	

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1. Brunei — Sav. 90 — 24.10.49

2. Extract from Borneo Salaries Commr. Repd, 1947

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Mr. King

Sir Gerald Whittley

ctr (1) is Brunei's reply to our circular despatch of 30th August
(copy attached)

ctr (2) I have sent for information a copy of The Salaries Commission's remarks on this subject. No action was taken as a result of (2), because the circular despatch and memorandum was being prepared; Mr. King's min. of 19/4 on 58908/49 refers.

The Sarawak papers, 58611/49, attached, refer to the same subject.

I suggest no action on (1).

Put by?

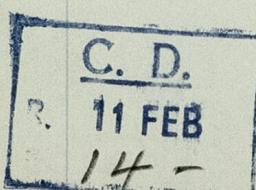
K. G. Parker
21/11.

I agree. See my min. of
23/11/49 in 58611 ref.

N. H. G. Parker
23/11

G. C. Whittley
25/11. at once

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One copy please of 1.

8 flood H 531 1672

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Extract from Report of the Borneo Salaries Commission
- 1947

PUBLIC SERVICES COMMISSION

100. We are of the opinion that it would be desirable if the services are unified that a Public Services Commission should be established to deal with matters affecting the public services in the three territories.

We suggest that such a Commission should consist of a senior officer (whose salary should be \$1,150 a month) who should be able to obtain the assistance, if possible, of a judicial officer upon matters of discipline or questions involving an officer's rights against the Government.

101. If such a Commission is established it would be responsible for the posting of officers and would perform duties similar to those now performed in Malaya by the Malayan Establishment Officer and the Personnel Sections of the Secretariats. When it becomes possible to organise examinations these could be conducted by such a Commission in collaboration with the heads of departments concerned. We recommend that such a Commission should have direct access to the Governor-General and the Governors.

PAS/PYY

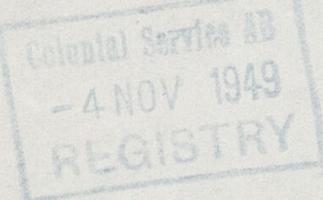
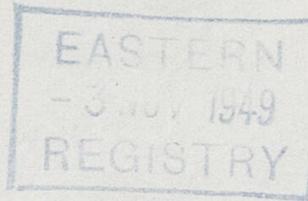
Ref: 4/477/49

N.F. 59423/49

SAVING.

From the High Commissioner for Brunei.
To the Secretary of State for the Colonies,
Date 24th October, 1949.

No. 90 Saving.



Your circular despatch No. 21200/49
dated 30th August, 1949,

I am of opinion that it would at present be premature to establish in Brunei a Public Service Commission with the wide terms of reference envisaged in your despatch. The Brunei Government is at present considering a proposal to appoint a Recruitment Board to classify applications for Government appointments, interview applicants, advertise vacancies and follow the school careers of likely candidates for Government Service, and I hope to address you further regarding the formation and activities of this body at a later date.

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CIRCULAR
21200/49



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THE CHURCH HOUSE,
GREAT SMITH STREET,
LONDON, S.W.1.

30th August, 1949.

SIR,

Public Service Commissions

With reference to my predecessor's despatch of the 27th July, 1946, regarding the organization of the Colonial Service I have the honour to enclose a Memorandum which has been prepared in the Colonial Office on the subject of Public Service Commissions. This Memorandum is intended to serve only as a broad guide to Colonial Governments who are considering the setting up of such Commissions. It will, of course, be for each Colonial Government to consider what form of Commission will best suit its needs, how it should be constituted, and what should be its functions. It is important, however, that the main purpose of a Public Service Commission, viz. the placing of recruitment to the Government Service on a satisfactory basis, should not be obscured by any other functions which the Commission may assume, and needless to say the Commission should be an impartial body, in which the public will have confidence.

2. It will, I think, be of advantage if the Commission is given statutory authority. It is not contemplated that the Commission should assume any of the powers at present vested in the Governor or the Secretary of State, and its powers will consequently be mainly advisory in character. There is no reason, however, why it should not be given executive powers in certain respects, e.g., in the conduct of examinations.

3. The composition of the Commission should, I consider, be kept small. In many Colonies the post of Chairman is likely to be a full-time office, and in that event, unless the incumbent is a permanent Civil Servant it will be necessary to provide for him to be paid a suitable salary. With regard to other members of the Commission the method of remunerating unofficials may require consideration. A satisfactory arrangement might be to pay a suitable fee to any member who is not in the public service in respect of each meeting of the Commission which he or she attends. Members of the Commission who are full-time Civil Servants would normally regard membership of the Commission as part of their official duties, and no additional remuneration should be necessary. I recognize, however, that there may be cases in which the payment of some allowance may be justified.

4. It has been suggested that one of the members of the Commission should be nominated by the Civil Service Associations. This arrangement is followed in Southern Rhodesia, where the Public Services Board has very wide functions, and deals with certain questions affecting conditions of service. There may be difficulties in some Colonies in adopting this course, especially where there are several Associations of Civil Servants. This is a question which I must leave to Colonial Governments to consider for themselves, but a cautious attitude towards any such proposal may be advisable at all events in the initial stages.

5. I hope that this memorandum will be of service to you, and I shall be obliged if I may be informed in due course what action you are taking in this matter.

6. This Circular has been sent to the Governor of Malta for information of Ministers.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. G. C. Jones

The Officer Administering
the Government of

Enclosure in Circular despatch dated 30th August, 1949

PUBLIC SERVICE COMMISSIONS

The establishment of Public Service Commissions in the Colonies for the purpose of advising the Governor on the selection and appointment of candidates in the Colony to posts in the public service was advocated by the Secretary of State in the broad statement of policy set out in Colonial No. 197. Since that statement was made various aspects of the application of the policy laid down have been examined. It is apparent that such questions as the range of functions to be assigned to Public Service Commissions and their composition must be determined in great measure in the light of local circumstances and it will be for each Government to decide what is best suited to its needs.

2. *Historical.*—The main purpose of setting up a Public Service Commission is to ensure that the Governor is afforded suitable advice on the selection and appointment of local candidates for Government employment. The Public Service Commission is indeed an essential feature of the policy of devolution. The functions of the Civil Service Commission in the United Kingdom are confined to recruitment although under post-war conditions it has the additional function of posting candidates to Departments in accordance with their suitability for different forms of Government activity. Its origin was the movement against patronage appointments in this country in the middle of the last century. While conditions of entry into the Home Civil Service are regulated by the Civil Service Commission in consultation with the Treasury, conditions of employment in Government Departments continue to be determined by the Treasury or departmental authority. Public Service Commissions have been set up in Ceylon (which is, of course, now an independent member of the Commonwealth), Malta, the Gold Coast and Sierra Leone, and Public Service Commissions are in process of being set up in other territories. The Public Service Commission in Malta is modelled on that in Ceylon and its functions include promotion and discipline in addition to recruitment. In New Zealand the Public Service Commission similarly has a wide range of functions and so had those set up in India by the Government of India Act of 1935. In Ceylon the reason for conferring these wider functions on the Public Service Commission was to overcome persistent controversy in the field of appointments and promotions in the Public Service. The composition and functions of the Ceylon Public Service Commission came under review recently in the report of the Soulbury Commission. The recommendations in that report left the functions substantially unchanged but made changes in the composition of the Commission. The original composition was the Chief Secretary as Chairman with two other members, the Financial Secretary and the Legal Secretary. Under the recent recommendations membership is no longer confined to officials. The Commission is to consist of three members, one of whom is Chairman.

The Public Service Commission in Sierra Leone will be composed of a Chairman and three members of whom not less than two will be Africans. The Chairman will be a senior official appointed personally by name. Two of the members will be senior officials, appointed personally or ex-officio, and there will be one unofficial member. The Secretary of the Commission will be an Assistant Colonial Secretary from the Sierra Leone Secretariat and he will not have a vote on the Commission. All appointments to the Commission will be made for a period not exceeding one year in the first instance and they may be terminated by the Governor at any time. The Commission will be empowered to co-opt additional members without votes and also to appoint sub-committees for the purpose of interviewing candidates.

The terms of reference of the Sierra Leone Commission are as follows:—

- (i) To make all arrangements connected with the local recruitment of candidates to all posts which it is within the Governor's power to fill, provided that the posts are of pensionable status or training posts leading to pensionable appointment, or non-pensionable post with a salary of £120 per annum or more. The Public Service Commission will not, however, carry out recruitment for the Court Messenger Force nor will it be connected with appointments to the Junior Service of the Police Department.
- (ii) To prescribe the manner in which applications for Government employment should be made and to arrange for such examinations as may be considered necessary to be held before any candidate is admitted to the Government Service.
- (iii) To recommend to the Governor suitable candidates for appointment to vacancies in posts described in sub-paragraph (i).

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- (iv) To advise the Governor on promotion to all posts which it is within the Governor's power to make, except that (i) in the case of promotions in the Senior Service involving the crossing of a promotion bar in the long scales, the existing procedure will not be disturbed, although the Governor will be able to refer to the Commission for advice where there is any particular difficulty as, for example, where a Head of Department finds himself unable to recommend that an officer should cross a promotion bar and (ii) in the case of the Court Messenger Force and the Junior Service staff of the Police Department, the existing arrangements with regard to promotions will continue.
- (v) To advise the Governor in cases where it is of the opinion that a candidate should be given direct entry into a grade superior to the initial grade of the class of appointment for which he is an applicant.
- (vi) To advise the Governor on all recommendations by Heads of Departments that an officer should be called upon to retire after reaching the age of forty-five in accordance with paragraph 44 of Sessional Paper No. 1 of 1947.
- (vii) To advise the Governor with regard to any application from an officer already in the Service for a transfer to a different department from that in which he is serving, not involving promotion to a higher grade or class.
- (viii) To advise the Governor on such other matters affecting recruitment to or promotion in the Public Service as are referred to it by the Governor.
- (ix) To advise the Governor as regards confirmation of individual officers only in cases which are specially referred to the Commission by him. The present arrangements as regards the confirmation of officers will, otherwise, at the suggestion of the Secretary of State, continue.
- (x) To keep under review and to advise the Governor on the Africanization of the Service and in particular to consider the possibility of appointing an African officer to any Senior Service post before a request is made to the Secretary of State or the Crown Agents for the Colonies for it to be filled by an expatriate officer.

In the Gold Coast an interim Public Service Commission has been set up consisting of a Chairman, an official, and two other members (both officials) one of whom is an African. Its functions are to advise Government on appointments and promotion in the senior and junior service and to advise in matters relating to training generally. It is intended to introduce legislation to establish this Commission as a statutory body.

3. *Functions.*—This is the main problem with which Governors will be confronted in setting up a Public Service Commission and its solution will largely determine the composition of the Commission. It will be necessary to decide in each Colony with which of the following subjects the Commission should deal, viz., appointments to the public service, promotions, discipline, conditions of service and possibly others.

(a) *Appointments.*—It is most desirable that all permanent appointments to the public service other than subordinate appointments, should be made through an independent body which is in a position not only to secure the observance of high and uniform standards throughout the service but also to command the confidence of all sections of the community. It is therefore most important that whatever other functions the Commission may discharge it should assume responsibility for all first appointments, other than those for which the Secretary of State for the Colonies is responsible and those of a subordinate character.

It would probably be impracticable, especially in some of the larger Colonial Dependencies, to require the Commission to undertake recruitment for a large number of minor grades for which the existing arrangements by means of departmental recruitment are no doubt adequate. This is a question which could best be considered in the light of experience once the Public Service Commission has been set up and one of the first tasks of the Commission would be to examine all posts in the Government Service with a view to a decision as to the classes of appointment for which it should be responsible.

The assumption by the Commission of responsibility for appointments of the categories stated will necessitate consultation with the Departments concerned with a view to laying down the conditions of entry to which candidates for each class of appointment should be subject, including qualification in regard to education, age, nationality, health, character, etc. The Public Service Commission would be responsible for interviewing candidates and, in the case of appointments for which entry into the service is by means of a competitive examination, the Public Service Commission would be responsible for ensuring that proper arrangements for these examinations were made.

It would also be responsible for advising Government whether in any particular case a candidate should take a course of training as a condition of his appointment to the Public Service. It will no doubt be found in practice that it will be convenient for the Public Service Commission to make arrangements for advertising vacancies in posts for which it is responsible for selecting candidates.

With regard to appointments which are subject to the approval of the Secretary of State, the Public Service Commission may recommend local candidates but the decision whether they should be finally selected for appointment will rest with the Secretary of State.

(b) *Promotions*.—In principle it would be possible for a Public Service Commission to deal with all promotions within the public service either directly or through sub-Committees. It would, however, be manifestly impossible for a Commission with a small membership to deal direct with large numbers of promotions, and if their responsibility were delegated much of the advantage of entrusting promotion to the Commission would be lost. It is felt that Public Service Commissions should confine themselves to considering promotions from one class to another, for example from the junior civil service to the senior civil service, in Colonies where the public service is divided in that way. Such promotions from one class of the Service to a post in a superior class which would normally be filled by new recruitment fall into the same category as new appointments and should be treated in the same way since it is necessary to ensure the maintenance of a recognized standard. It follows that promotions of this nature to posts for which the Public Service Commission recommends candidates should be the responsibility of the Commission which should be charged with a review of all recommendations for promotion coming within this category.

In many Colonies minor or individual promotions, i.e., those within a class, are dealt with departmentally and it is considered preferable that such promotions should be left outside the functions of the Public Service Commission. It seems desirable that Promotions Boards should be set up in all Departments (including the Administration) consisting of a number of senior officers of the Department concerned who should be vested with a measure of formal authority to make recommendations on promotions to posts carrying salaries up to a prescribed maximum. The details of procedure may vary according to local conditions; but it is important that all concerned should be assured that some suitable machinery exists for ensuring that promotions will be dealt with impartially and with full consideration of the claims of all candidates.

(c) *Discipline*.—There are arguments for and against referring questions of discipline to the Public Service Commission. The Governor's Executive Council is at present required by Colonial Regulations to advise him on matters of discipline for the higher grades, but this may not always prove desirable in the future. Disciplinary matters might suitably be dealt with by the Public Service Commission provided that a suitably constituted panel of the Commission is formed for this purpose. The question is, however, one to be considered in the light of local circumstances in each territory.

(d) *Conditions of Service*.—The laying down of conditions of service, and the application and interpretation of these conditions are generally regarded as functions of the employer, i.e., the Colonial Government. It is doubtful whether a Public Service Commission could deal with such matters as effectively as a well organized and adequately staffed Establishment Department. In the United Kingdom and in many Colonies the method adopted in order to maintain confidence in the capacity of Government to deal satisfactorily with such matters is a system of direct consultation between the employing authorities and the Civil Service Associations. This consultation is provided for by the Whitley Council machinery. The balance of argument and experience is against Public Service Commissions dealing with conditions of service as part of their normal functions, although this advice might be sought by Government on specific points; for example, whether any proposed change in conditions of service might adversely affect recruitment or whether in the interest of recruitment any change is required in existing conditions.

4. *Composition*.—All members of the Public Service Commission should be appointed by the Governor for a specific period. Provision should be made for the removal of any member of the Public Service Commission from office should such a course be in the public interest; and it may be desirable to make provision for the appointment of a temporary member in certain eventualities, e.g., to replace a member who is prevented from carrying out his duties by ill-health or absence on leave. It is desirable that the number who sit at any one time should be kept small, though they might be drawn from a panel according to the business before the Commission. If the functions of the Commission are confined to appointments to the Public Service and class to class promotions, there might well be advantage in having unofficial as well as official members. If an Appeal Tribunal to deal with disciplinary cases on appeal were established within the framework of the Public Service Commission it might well include

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an unofficial member who would be a person not connected with the Government. It is desirable that one of the members of the Commission should be a person well versed in Government procedure and in the best traditions of the public service and unless the Commission includes among its members a suitable retired officer, it seems advisable that the Chairman of the Commission should be a senior officer of the Government Service. It may be desirable also to make provision for co-opting persons for certain types of work.

COLONIAL OFFICE.

August, 1949.

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Public Service Commission. 1949. MS Records of the British Colonial Office CO 943/1/21. The National Archives (Kew, United Kingdom). State Papers Online Colonial, link.gale.com/apps/doc/GGUCUN502786734/SPOC?u=omni&sid=bookmark-SPOC&pg=1. Accessed 21 Dec. 2024.